



Dennis J. Duffin
Director

The Commonwealth of Massachusetts

Office of
Campaign & Political Finance
One Ashburton Place, Boston 02108
727-8352

AO-86-19

September 2, 1986
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Senator William Q. MacLean Jr.
State House Room 513
Boston, MA 02133

Dear Senator MacLean:

This is in response to your request for an advisory opinion concerning expenditures by your political committee in the area of charitable contributions.

Section 6 of M.G.L. c. 55 provides that political committees such as yours may make expenditures "for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use..." This office has promulgated regulations which, in part, clarify rules in relation to charitable contributions. 970 CMR 2.06 provides that political committees such as yours may make expenditures for

"(a) Charitable contributions, provided all of the following requirements are met:

1. The contribution is made to an entity which is subject to either M.G.L. c. 12, §8(f), M.G.L. c. 67 or M.G.L. c.180;
2. Neither the candidate, treasurer, or any official of the political committee is a trustee, officer, principal or beneficiary or involved in any manner in the operations of said entity;
3. Neither the candidate, treasurer, nor any official of the political committee has any personal relationship with any trustee, officer, principal or beneficiary of said entity.
4. Making such charitable contributions is a usual and customary practice of that political committee;
5. The candidate or political committee will receive publicity and foster political goodwill as a result of making the contribution."

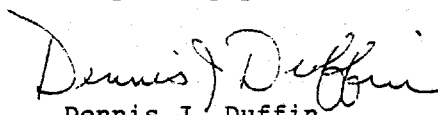
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While the campaign finance law and rules promulgated thereunder permit political committees to make charitable contributions, you should not view the permitted extent of that activity as limitless. Rather, a political committee organized on behalf of a candidate for the state senate, as is your committee, is organized for the purpose of influencing the candidate's nomination and election to public office. Its activities must be conducted in a manner consistent with that overall major purpose, and may not therefore expend its funds in a manner that suggests some other overall purpose. While political committees are permitted to make charitable contributions subject to certain requirements, those expenditures must not result in substantial contributions in support of particular charities. The purpose of the committee is to enhance the candidate's political future and reasonable contributions to certain charitable institutions undoubtedly effectuate that purpose while excessive contributions do not.

Political committees such as yours may expend funds for charitable contributions in accordance with the above. In order to ensure that committee funds are used in a manner consistent with the above, this office will be promulgating regulations further clarifying expenditures for charitable contributions. The policy we are developing, which can serve as guidance on this issue now, will provide that all expenditures to one particular charity not exceed five thousand dollars in a calendar year. In addition, the total expenditures in the area of charitable contributions must not result in a substantial portion of the funds of a candidate's political committee being used to support charitable entities. I believe that these requirements demonstrate a sensitivity to the overall intent and purpose of political committees under the campaign finance law.

If you have specific questions on this matter, please do not hesitate to contact me.

Very truly yours,


Dennis J. Duffin
Director

DJD/bva